

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, JUNE 20, 2006, 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular Meeting on the 20<sup>th</sup> day of June 2006 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

**Call to Order and Pledge of Allegiance.**

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Semmelmann, Dean, and Rangel.

City Manager Cortes, City Secretary Feutz, Fire Chief Irwin, Police Chief Oakes, Assistant Police Chief Wallace, Assistant to the Director of Public Works Stolz, City Accountant Wallace, Community Development Director Smith, Economic Development Liaison Caldera, Human Resources Officer Schendel, Library Director Trent, and City Attorney Jacobson were also present.

Mayor Riley announced that Councilmember Reyna had an excused absence due to a prior commitment. The Mayor asked Lorraine Oakes, mother of Police Chief Randy Oakes, to lead the Pledge of Allegiance.

**Consider Approval of Minutes of the Regular City Council Meeting of June 6, 2006.**

A motion was made by Councilmember Rangel, seconded by Councilmember Maloy, to approve the minutes of the Regular City Council Meeting of June 6, 2006. Upon vote, the motion carried unanimously.

**Presentation of Service Award for Employee with 25 Years of Service to the City - Michael Hacker, L.V.F.D.**

Mayor Riley presented a watch to Firefighter/EMT Michael Hacker in appreciation for his twenty-five (25) years of service to the City. Mr. Hacker was hired by the City to work in the Fire Department on April 1, 1981. Mr. Hacker thanked Council and introduced his family. Chief Irwin also praised Mr. Hacker's years of service with the Leon Valley Fire Department.

**Recognition of Retirement of Public Works Director Patrick Wright and Police Chief Randy Oakes.**

Mayor Riley announced that Mr. Wright was absent from the meeting due to illness and that the presentation of his award would be scheduled for another date.

Mayor Riley presented a plaque of appreciation to Police Chief Randy Oakes who is retiring from service with the City at the end of June 2006. Mayor Riley thanked the Chief for his years of service to the City. Chief Oakes thanked Council, the citizens and his Department. He introduced his family to Council. He stated that he had started as a Reserve Officer twenty-eight years ago with the City and was hired on later as a Patrol Officer, then Detective, and Administrative Lieutenant before becoming Chief of Police.

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**Citizens to Be Heard.**

Mayor Riley asked if anyone in the audience wished to address Council.

Adrian Reyna, son of Councilmember Reyna, addressed Council and read a statement from his father for the Council with comments on agenda items and with an explanation from the Councilmember regarding his absence being due to a long-standing out-of-town commitment made prior to the election.

**Consent Agenda**

**Consider M&C # 06-03-06 - A Request to Approve an Administrative Correction for the Budget Adjustment to Purchase the Traffic Preemption Equipment.**

**Consider M&C #06-04-06 - A Request to Authorize the Purchase of a 100 KW Generator for the Public Works Department for the lowest quote of \$29,865.00 from Southern Plains Power.**

**Consider M&C # 06-05-06 - A Request to Approve a Budget Adjustment for the Library.**

A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to approve the Consent Agenda items. Upon vote, the motion carried.

**Regular Agenda**

**Consider Resolution #06-007 - To Support Northwest Vista College's *Community Conversation* Event Scheduled for August 19, 2006.**

Mayor Riley invited Missy Guillot, from the Northwest VISTA College, to address the Council about the support requested from the City for the College's "Community Conversation" event to be held on August 19, 2006. Ms. Guillot explained that Northwest Vista College is part of a national initiative, "Achieving the Dream", to help more community college students succeed, particularly students of color and low income students. She further explained that a national organization, called Public Agenda, will assist in the "Community Conversation" which has been planned as part of that initiative to engage the surrounding community in a dialogue about ways to support the success of Northwest Vista College students. She explained that the College was asking for the City to support the College's efforts as part of this national initiative and she invited the Council and the audience to be a part of the "Community Conversation".

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Councilmember Semmelmann asked for clarification on whom the program would benefit. Ms. Guillot stated that statistics indicate students of low income and of color at the college had lower rates of graduation than other students and the "Community Conversation" would explore ways to increase those graduation rates. She explained that 65% - 67% of jobs require post-high school training, usually obtained through community colleges, and that math and science education were of particular need in many businesses. She stated that by encouraging people to succeed in higher education one also supports economic development.

Councilmember Rangel stated that he would like to participate in one of the "Community Conversations" held on a different date.

Councilmember Maloy asked Ms. Guillot why the ACCD system did not offer education discounts to those ages 55-66 as UTSA offers. Ms. Guillot explained that the ACCD policy was no-cost tuition for students over age 65 years who wished to audit classes. She also stated that the colleges have continuing education courses and an Academy for Life Long Learning for those aged 55 years and over for classes on Friday mornings at the Northwest Vista College.

A motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve the presented Resolution #06-007, to support Northwest Vista College's Community Conversation Event. Upon vote, the motion carried.

**Consider the Business Alliance Committee's Recommended Changes to City Code Chapter 5, "Signs".**

Mayor Riley reminded Council that Council had heard the presentation on this subject on May 2, 2006 and that the Business Alliance Committee's Phillip Manea would make the first part of the presentation.

Business Alliance Committee Member Phillip Manea addressed Council and presented slides with the Committee's recommendations for changes to the City's Sign Code. He presented changes to be made under Section 5.23 "Temporary Advertising Signs" to allow each **business** address, rather than each property, to have a temporary sign displayed for **up to sixty days**, rather than for only thirty days as allowed under the current code. Mr. Manea stated that the Committee recommended a new section of the Code to address seasonal businesses so that they could apply for a variance to extend the temporary sign permit for up to 120 continuous days in lieu of obtaining a sign each quarter. He also recommended that if a Federal Holiday falls on the preceding Friday or the following Monday of a weekend, then the Federal holiday should be included in the time period for the installation and removal of Special Event Temporary signs. Additionally, Mr. Manea recommended that restrictions on the actual hours for posting and removing temporary signs be deleted from this section of the Code. Mr. Manea stated that the Committee

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recommended that the size of temporary banner advertising signs be increased to one hundred square feet instead of the current thirty-two square feet.

Mr. Manea stated that the Committee also recommended changes to Section 5.9 "Non-Conforming Signs" to allow for a forty-five-day period during which any property owner who currently has an abandoned non-conforming sign on their premises, would be allowed to reclaim the signs and the signs would be allowed to be brought into working order. He also recommended that the entire section on the amortization period for non-conforming signs be removed from the Code.

Council discussed the challenge of defining temporary signs. Councilmember Maloy asked how seasonal businesses can be prevented from receiving what appears to be less restrictive rules for their signage than what is required of permanent businesses who are also selling the same seasonal items. She gave the example of a temporary business advertising holiday wreaths and one of the City's non-temporary businesses selling the same item. No solution was offered to the Councilmembers' question.

Community Development Director Smith addressed Council presenting a comparison of requirements for signs in the City from the rules contained in the 1984, 2003, and 2006 Sign Codes. Ms. Smith stated that after concerns were received from the business community, and after the Business Alliance Committee made change recommendations, staff prepared Sign Code revisions that were approved by City Council in February 2006.

Ms. Smith then presented staff's recommendations to the specific changes recommended by the Business Alliance Committee for temporary signs regulations, abandoned non-conforming signs and amortization of non-conforming signs. Ms. Smith stated that staff had no objection to changes that would allow seasonal businesses to request variances to erect temporary signs for 120 consecutive days once a year in lieu of thirty (30) days per quarter and recommended approval for special event temporary sign installations on weekends which include Federal Holidays to include the period from Fridays through Mondays. Ms. Smith recommended against approval for the change that would allow temporary signs for each business address and against approval of the increase in size for temporary banners to 100 square feet on the property, but rather recommended the size of 50 square feet on the property and 100 square feet on the building. Ms. Smith recommended that the amortization regulations at the ninth year be removed and she recommended disapproval for the proposed 45-day armistice on abandoned signs. Ms. Smith recommended removing the 30-day grace period for non-conforming signs so that nonconforming signs are required to be removed immediately upon a business's relocation. She added that this would allow the amortization effect to be faster than waiting for the nine-year period and would not penalize long-term businesses that are continuing to use their signs.

Ms. Smith informed Council that a survey was done of existing signs in the City and found only five - abandoned non-conforming signs. She reported that there were only six - abandoned signs, but the sign structures and pole size conformed to code. She reported

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that there were also 44 - non-conforming signs which are in good condition and are in use in the City. She stated that the total number of signs in the City are approximately 1250 - 1300 signs. She presented photos illustrating various non-conforming signs and explained why each sign was not considered to be in conformance to code regulations. She stated that most non-conformance issues dealt with the number of signs on the property.

Mayor Riley asked that the public be allowed to comment on the proposed sign code changes. It was suggested that the issue be publicized and the proposed Sign Code changes be brought back to Council after the budget process is finished. Ms. Smith informed Council that an additional concern had been raised by builders in the City. She stated that they have requested to be allowed to use temporary, weekend bandit signs. Councilmember Maloy suggested that staff review the way the City of San Antonio is addressing bandit signs as that type of sign was a cost-effective avenue for advertising.

Following continued Council discussion, City Manager Cortes thanked Ms. Smith and everyone for the work done on the revisions. Council asked that the issue be brought back after budget is reviewed and the public has been notified for their comment.

**Consider Master Sign Plan #06-002 With Requested Variances - a Request by Capital Investment Group, Applicant and Property Owner, for Consideration of a Master Sign Plan Proposal for a Shopping Center, Located at 7007 Bandera Road, Being Lots 9 and 10, Block 1, CB 4446, Clear Creek Shopping Center Subdivision.**

Mayor Riley reminded Council that this case was originally heard by City Council on April 4, 2006, was tabled to be reconsidered at the April 18, 2006 and to the May 2, 2006 City Council meetings. Mayor Riley announced that on May 2, 2006, the Council voted to table consideration of the case until no later than this date.

Community Development Director Smith reviewed the case details for a Master Sign Plan at 7007 Bandera Road, Clear Creek Shopping Center, with variances, requested by Brian Hamilton, agent for Capital Investment Group, the applicant and property owner. She reviewed the three variances requested: variance to the distance requirement between freestanding signs, a variance to the number of signs allowed per frontage, and a variance to allow the use of Sign "D", an abandoned sign. Ms. Smith explained that the existing signs met the Sign Code that was in place when the signs were erected. She noted staff supports the variance for the sign spacing until the signs are abandoned or destroyed.

A motion was made by Councilmember Dean, seconded by Councilmember Rangel, to allow the variances as presented by staff. Following Council discussion, a roll call vote was asked for. The roll call vote was as follows: Maloy - against the motion, Semmelmann - abstain from voting, Dean - for the motion, and Rangel - for the motion. The motion carried as presented.

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**Consider M&C # 06-06-06 - A Request to Approve Dispatch Service Contracts for the  
Cities of Helotes and Grey Forest.**

Assistant Chief Randall Wallace addressed Council presenting an overview of the current fees paid by both the City of Helotes and the City of Grey Forest to the City of Leon Valley for 911 Dispatch Services and the new contract charges.

Chief Wallace explained that compensation for the City of Leon Valley will be based upon total residential electrical connections, average household size, per capita cost and population. He stated that the contract will become effective October 1, 2006 and in May of 2007, we will project any increases for those charges based on anticipated operating costs and changes residential electrical connections and average household size of the cities we serve

A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to authorize the City Manager to execute the contracts for dispatcher services with the City of Helotes and the City of Grey Forest as described in the contracts presented. Following Council discussion, a voice vote was called and the motion carried unanimously.

**Consider M&C # 06-07-06 - A Request for a Budget Adjustment for the Trade and  
Market Days Committee.**

Community Development Director, Melinda Smith, addressed Council stating that the budget amount included in this year's budget for the Trade and Market Days Program, a newly budgeted program was only \$2,000. The Trade and Market Days Committee evaluated their expenses and their revenue and are requesting consideration of a budget adjustment to more accurately reflect the increased revenue anticipated and to cover the anticipated expenditures for the rest of this fiscal year. The City Manager explained that the additional funds requested for expenditures are coming directly from the income generated by the Trade and Market Days events. He also stated that he felt the increased rentals of the City's Conference and Community Centers were partly due to the increased exposure the facilities receive during the Trade and Market Days events.

Mayor Riley asked if staff could determine the amount of sales tax generated from the Trade and Market Days event. Ms. Smith stated that once staff receives the next quarterly report she will be able to identify taxes collected based upon sales tax collected at 6427 Evers Road. Councilmember Rangel expressed his disappointment that the VIA Trans was not providing service for the Trade and Market Days event. Mr. Cortes stated that a communication error was the cause for the VIA Trans absence.

Following Council discussion, a motion was made by Councilmember Rangel, seconded by Councilmember Maloy, to approve the budget adjustment as presented in the amount of \$23,329.00 for funding and expenses for the rest of FY 2006. Upon vote, the motion carried.

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**Consider M&C # 06-08-06 - A Request to Approve an Interlocal Agreement with the  
Regional Water Resource Development Group (RWRDG) for the Purpose of Acquiring  
Water Pumping Rights.**

City Manager Cortes presented information on the interlocal agreement with Regional Water Resource Development Group (RWRDG) for Edwards Aquifer groundwater rights. He stated that the San Antonio Water System (SAWS) would continue to be the primary agent for the City of Leon Valley's water acquisition; however, SAWS would only lease in three 1-year terms. The lease terms from RWRDG were more favorable for the City with longer terms for the lease (five and ten years).

A motion was made by Councilmember Semmelmann, seconded by Councilmember Rangel, to approve the interlocal agreement with RWRDG for the purpose of acquiring water pumping rights. Upon vote, the motion carried unanimously.

**Consider M&C # 06-09-06 - A Request to Approve a Community Development Block  
Grant (CDBG) Program Cooperative Agreement with Bexar County.**

City Manager Cortes addressed Council stating that participation in the CDBG Program allows the City to share in funds provided from the Housing and Urban Development for the Community Development Block Grant Entitlement Program and HOME Investment Partnership Programs. Mr. Cortes informed Council that Mayor Riley, Mr. Uvietta from the Park Commission, and he attended a meeting at the Commissioners Court regarding an earlier grant submitted requesting funding for the handicapped accessible park equipment. He reported that the Court gave favorable recommendation for our grant. He thanked Fred Stolz and Crystal Caldera for their work on that grant.

A motion was made by Councilmember Semmelmann, seconded by Dean, to approve the Community Development Block Grant (CDBG) Program Cooperative Agreement with Bexar County as presented. Upon vote, the motion carried unanimously.

**Consider Ordinance # 06-014 - Appointments to the Zoning and Land Use  
Commission and the Board of Adjustment.**

Mayor Riley announced that all of the members of the Zoning and Land Use Commission and the Board of Adjustment asked to be reappointed to their positions; therefore, she recommended that they be reappointed. The appointments for members to the Zoning and Land Use Commission are: Leo Gorman, Wendy Phelps, Renee Baird, Linda Persyn, Rich Braune, Paul Biever, and Olen Yarnell. Appointment for Zoning and Land Use Commission Alternates are: Claude Guerra III as 1<sup>st</sup> Alternate, Sharon Hendricks as 2<sup>nd</sup> Alternate, and Pedro Esquivel as 3<sup>rd</sup> Alternate. The appointments for members of the Board of Adjustment are: Don Modrick, Lucinda Mandujano, Lupe Carpio, Ray Olvera, and Celia Ramirez. Alternate Members of the Board of Adjustment are: James Brandenburg as the 1<sup>st</sup> Alternate, Vivian Pankey as the 2<sup>nd</sup> Alternate, and Mary McConnell as the 3<sup>rd</sup> Alternate.

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Following Council discussion, a motion was made by Councilmember Rangel, seconded by Councilmember Dean, to approve the Ordinance reappointing members to the Zoning and Land Use Commission and to the Board of Adjustment. Upon vote, the motion carried unanimously.

Following the vote, Councilmember Maloy asked that quarterly a report be submitted to Council with the attendance of the members appointed to the Commission and the Board.

**Consider Ordinance # 06-015 - Appointments to the Park Commission.**

Mayor Riley asked Council for approval to reappoint current members of the Leon Valley Park Commission: Al Uvietta, Beverly Freeman, Bert H. Thomas, Patty Manea, Kerin Friedeck, David Dewitty, Benay Cacciatore, and Ro Steinbach. She also asked them to consider appointing Cathy Nelson as a new member to the Park Commission.

Following Council discussion, a motion was made by Councilmember Semmelmann, seconded by Councilmember Rangel, to approved the ordinance appointing members to the Park Commission as presented. Upon vote, the motion carried unanimously.

**City Manager Report.**

City Accountant Vickie Wallace presented an overview of the financial revenues and expenses for the month of May 2006 in the Monthly Financial Report. She informed Council that sales tax was down 7.8% in May. Councilmember Maloy asked about paying the water utility bills electronically and Ms. Wallace stated that Wells Fargo Bank was having some problems with the electronic transfer process. She informed Council that on October 1, 2006, the City's new depository agreement with Frost Bank begins and that the electronic billing would be up and running. Councilmember Semmelmann asked that staff continue to work with Wells Fargo Bank to get the electronic billing process up and running before October 1, 2006.

**Citizens to be Heard.**

No one appeared.

**Announcements.**

Councilmember Maloy voiced her appreciation to Councilmembers Rangel and Semmelmann for their work during the Trade and Market Event Days. She reported that approximately 70 vendors were scheduled for the July 8, 2006 event day and she thanked staff for their work on the budget.

Councilmember Semmelmann expressed his appreciation for those appointed to the Parks Commission. He announced that he would be taking some time off in August for a few



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weeks. He stated that he felt that the budget would require the City to spend more money to keep streets in good shape, address the need for more space for the Fire Department, and other items. He commended staff for their work.

Councilmember Dean asked if anyone knew how much was raised from the Blazing Gavels Auction. The Economic Development Liaison Crystal Caldera stated that she had not heard, but that she would research the question. He commended the Park Commission, the City Manager and staff for their work on the park equipment grant. He also commended the staff for their work in general.

Councilmember Rangel commended the staff from the Public Works Department for their work on the Trade and Market Event Days. He invited everyone to the July 1<sup>st</sup> parade at 10:00 a.m. to celebrate Independence Day. He stated that he would like to see changes to committee liaison assignments for Councilmembers this coming year.

City Manager Cortes announced the departure of Lety Laurel, a reporter from the San Antonio Express News, who has covered news in Leon Valley. Mayor Riley thanked Ms. Laurel and everyone wished her luck in her new job.

Mayor Riley thanked the Park Commission, Fred Stolz, and Crystal Caldera for their work on the park equipment grant. Mayor Riley reminded everyone that Council would have a Budget Workshop on Tuesday, June 27, 2006 at the Conference Center at 6:00 p.m. and the next Regular City Council Meeting would be held on Thursday, July 6, 2006 at 7:00 p.m. in Council Chambers.

**Adjourn.**

Mayor Riley asked if there was any other business, hearing no one, she adjourned the meeting at 9:10 p.m.

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Mayor

ATTEST:

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City Secretary